

Remarks

Claims 13 to 22 are in this application.

The Description has been amended to delete reference to the claims.

The dependency of claims 14 to 17 has been corrected.

Examiners Bryant and Salone are cordially thanked for the courteous and informative interview extended to the undersigned on October 20, 2009. During this interview the undersigned requested clarification of the rejection of the claims with respect to the Examiner's holding that the plates 26 of Mischel had deformed sections 28 and that the descaler parts 18 mounted on these alleged deformed sections were longitudinally offset relative to the remainder of the descaler parts between the plates 26. The undersigned noted that, in accord with the Examiner's interpretation of Mischel, all of the descaler parts 18 of Mischel are mounted on the alleged deformed sections 28 and that, therefore, Mischel cannot be interpreted as having "a plurality of descaler parts mounted peripherally of and between said pair of disc-shaped plates ... with said descaler parts mounted on said deformed sections being longitudinally offset relative to the remainder of said descaler parts whereby upon rotation of said shaft said descaler parts descale overlapping sections on a surface to be descaled" as set forth in claim 13.

After further discussion, it was agreed that the claims would be amended in accord with paragraph [0022] of Applicant's published US application (US 2008/0066280) to recite that the deformed sections of the claims were twisted about the axis 15.

Claim 13 has been amended as discussed during the telephone interview and is believed to be allowable over Mischel.

Claim 13 has been rejected as being anticipated by Mischel.

Claim 13 requires a descaler head to have "a rotatable central support shaft; at least one pair of disc-shaped plates mounted on said shaft for rotation therewith, each said plate having a pair of diametrically disposed deformed sections directed in opposite directions relative to each other ...". The Examiner considers that the sections of the plates 26 of Mischel that contain slots 26 are "deformed sections". For the record, issue is taken with this interpretation of Mischel. As can be seen in Fig. 5 of Mischel, the plate 26 has four slots 28. The plate sections to either side of a slot 28 are not deformed in any way and remain planar. For this reason alone, a rejection of claim 13 as being anticipated by Mischel is not warranted pursuant to the provisions of 35 USC 102.

Claim 13 also requires "a plurality of descaler parts mounted peripherally of and between said pair of disc-shaped plates ... with said descaler parts mounted on said deformed sections being longitudinally offset relative to the remainder of said descaler parts whereby upon rotation of said shaft said descaler parts descale overlapping sections on a surface to be descaled." The Examiner considers that the descaler parts 18 of Mischel mounted on the alleged "deformed sections" are longitudinally offset from the remainder of the descaler parts between the pair of plates 26 and that, upon rotation, these descaler parts descale overlapping sections on a surface to be descaled. The Examiner is in error.

As noted during the interview, in accord with the Examiner's interpretation of Mischel, all of the descaler parts 18 of Mischel are mounted on the alleged deformed sections 28 and that, therefore, Mischel cannot be interpreted as claimed. "The identical invention must be shown in as complete detail as is contained in the ... claim."

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). For this additional reason, a rejection of claim 13 as being anticipated by Mischel is not warranted pursuant to the provisions of 35 USC 102.

Mischel is void of any description or teaching that, upon rotation, the descaler parts 18 descale overlapping sections on a surface to be descaled. In particular, col.1 lines 43-62, col. 2, lines 36-67 and Figs. 2, 3 and 5, are void of any teaching of descaling overlapping sections on a surface to be descaled. For this additional reason, a rejection of claim 13 as being anticipated by Mischel is not warranted pursuant to the provisions of 35 USC 102.

In order to resolve any semantic discussion regarding the claim language and the need for an Appeal, claim 13 has been amended, as agreed, to recite that "each said deformed section being twisted about an axis passing through a center of said resepective plate".

Claims 14 to 17 depend from claim 13 and are believed to be allowable for similar reasons.

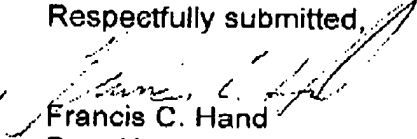
Claim 18 contains recitations similar to claim 13 and is believed to be allowable for similar reasons. Note that claim 18 requires "a plurality of pairs of disc-shaped plates" with "descaler parts mounted ... between each said pair of disc-shaped plates ...". In Mischel, the end plates 22, 24 have retainers 25 to hold the rods 30 and are not deformed as required by claim 18.

The application is believed to be in obvious condition for allowance and such is respectfully requested.

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Should the Examiner not allow the application at this time, it is requested that the Examiner telephone the undersigned to resolve any outstanding issues

Respectfully submitted,



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